

**United States District Court**

for the

**SEP 26 2018**

**Eastern District of Washington**

**Petition for Warrant or Summons for Offender Under Supervision**  
**SEAN F. MCAVOY, CLERK  
YAKIMA, WASHINGTON, DEPUTY**

Name of Offender: Rocky J Fogler

Case Number: 0980 1:14CR02083-LRS-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: June 9, 2015

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. § 922(g)(1) and 924(a)(2)

Original Sentence: Prison - 46 months; TSR - 36 months      Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: February 9, 2018

Defense Attorney: Paul Shelton

Date Supervision Expires: February 8, 2021

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**PETITIONING THE COURT**

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on August 1, 2018.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

3      **Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** Mr. Fogler is considered to be in violation of his conditions of supervision by failing to appear for his revocation hearing on September 24, 2018, as directed by his probation officer.

On February 9, 2018, this officer met with Mr. Fogler upon his release from Bureau of Prisons custody. Mr. Fogler reviewed, via his sister's American Sign Language interpreting, and signed the judgment and sentence, which outlined the conditions of his term of supervised release.

On September 10, 2018, this officer met with Mr. Fogler and he was directed to appear at his revocation hearing on September 24, 2018. Mr. Fogler also stated to have received notice from his attorney's office about the hearing date and time.

On September 24, 2018, Mr. Fogler failed to appear at his revocation hearing. This officer contacted Mr. Fogler via text message after the hearing to inquire as to why he failed to appear. Mr. Fogler stated via text message that he forgot about his hearing and that his urinalysis (UA) test would be positive. Mr. Fogler was directed to report to Court that same day but he failed to do so.

Re: Fogler, Rocky J

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4      **Special Condition # 14:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch), as directed by the supervision officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Fogler is considered to be in violation of his conditions of supervision by consuming methamphetamine and marijuana on September 24 and 25, 2018.

On February 9, 2018, this officer met with Mr. Fogler upon his release from Bureau of Prisons custody. Mr. Fogler reviewed, via his sister's American Sign Language interpreting, and signed the judgment and sentence, which outlined the conditions of his term of supervised release.

On September 24, 2018, Mr. Fogler failed to appear at his revocation hearing. This officer contacted Mr. Fogler via text message to remind him of the hearing. Mr. Fogler stated via text message that he forgot about his hearing and that his urinalysis (UA) test would be positive.

On September 25, 2018, this officer contacted Mr. Fogler for clarification regarding his drug use. Mr. Fogler admitted consuming marijuana and methamphetamine on September 24, 2018, and stated his last use was on September 25, 2018. Mr. Fogler related that since his treatment funding was denied, he thought he was going to jail so he decided to use.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/26/2018

s/Arturo Santana

Arturo Santana  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

9/26/18

Date